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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/321,204	05/27/1999	YOUZOU MATSUDA	2589-4	6143

7590

03/21/2002

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EXAMINER

PHAN, JOSEPH T

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 03/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/321,204

Applicant(s)

MATSUDA ET AL.

Examiner

Joseph T Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05/27/1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1-7 rejected under 35 U.S.C. 102(e) as being anticipated by Cistulli, Patent No. 5,946,376.**

Regarding claim 1, Cistulli teaches a portable electronic apparatus incorporating software and having a telephoning function, comprising:

a first memory for storing a plurality of sets of initial data for the software to cope with various kinds of area data and languages (col. 2 lines 49-53);

input means for allowing entry of area data and a language of an area in which the portable electronic apparatus is used (col. 2 lines 63-66); and

a second memory for storing the area data and the language entered through the input means (col. 2 lines 45-47, 60-63),

wherein, when the software is initialized, initial data corresponding to the area data and the language stored in the second memory is selected from the initial data stored in the first memory (col. 2 lines 49-58).

Regarding claim 2, Cistulli teaches a portable electronic apparatus as claimed in claim 1, further comprising:

editing means for allowing the selected initial data to be edited by a user (col. 2 lines 60-63); and storing means for storing the initial data edited by the user in the second memory (col. 1 lines 63-65 and col. 3 lines 11-16).

Regarding claim 3, Cistulli teaches a portable electronic apparatus as claimed in claim 2, wherein, when the software of the portable electronic apparatus having the telephoning function is initialized by use of the initial data corresponding to the area data and the language as edited by the user, the initial data is checked so that, if incorrect data is found therein, the initial data edited by the user is automatically deleted and the software of the portable electronic apparatus having the telephoning function is initialized by use of the initial data corresponding to the area data and the language as initially set (col. 1 lines 63-65; *As taught by Cistulli, if incorrect data is found, by the push of a button, the incorrect data will be automatically switched back to the initial language*).

Regarding claim 4, Cistulli teaches a portable electronic apparatus as claimed in claim 2, further comprising:

a key that is operated to delete the initial data edited by the user (*col. 3 lines 21-24; by pressing a single key as taught by Cistulli, the user can translate the initial language to another language which inherently deletes the initial data edited by the user*).

Regarding claim 5, Cistulli teaches a portable electronic apparatus as claimed in claim 4, wherein, when the software of the portable electronic apparatus having the telephoning function is initialized by use of the initial data corresponding to the area data and the language as edited by the user, the initial data is checked so that, if incorrect data is found therein, the initial data edited by the user is automatically deleted and the software of the portable electronic apparatus having the telephoning function is initialized by use of the initial data corresponding to the area data and the language as initially set (*col. 1 lines 63-65 and see explanation of claim 3 above*).

Regarding claim 6, Cistulli teaches a portable electronic apparatus as claimed in claim 4, wherein, when the key that is operated to delete the initial data edited by the user is operated, the initial data edited by the user is deleted and the software of the portable electronic apparatus having the telephoning function is initialized by use of the initial data corresponding to the area data and the language as initially set (*col. 1 lines 63-65, col. 3 lines 21-23; the process of translating back to the first language by a single key input, as taught by Cistulli, includes the operation of deleting the initial data edited by the user and displaying the initially set data and language*).

Regarding claim 7, Cistulli teaches a portable electronic apparatus as claimed in claim 6, wherein, when the software of the portable electronic apparatus having the

telephoning function is initialized by use of the initial data corresponding to the area data and the language as edited by the user, the initial data is checked so that, if incorrect data is found therein, the initial data edited by the user is automatically deleted and the software of the portable electronic apparatus having the telephoning function is initialized by use of the initial data corresponding to the area data and the language as initially set (*col. 1 lines 63-65; As taught by Cistulli, The initial data is checked so if incorrect data is found that by the push of a button, the incorrect data will be automatically switched back to the initial data and language*).

### **Conclusion**

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Higuchi, Patent No. 6,313,735 teaches a radio selective calling receiver that can display a message in language at the current location. Homan et al., Patent No. 6,233,317 teaches Multiple language electronic mail notification of received voice and/or fax message ; Baker et al., Patent No. 6,097,806 teaches an ACD with Multi-lingual agent position; Cohn et al., Patent No. 5,982,856 teaches a Network-based Multimedia communications and directory system and method of operation; Klein et al., Patent No. 5,943,398 teaches an Automated message-translation arrangement; Flanagan et al., Patent No. 5,966,685 teaches a system for parallel foreign language communication over a computer network; Aoshima Patent No. 6,308,087 teaches a radio selective calling receiver and message receiving method.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

JTP  
March 15, 2002

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

